

**WHEREAS**, Shafran did not appeal NYLGICNY's adverse determination within 180 days of the March 17, 2022 letter or at all;

**WHEREAS**, on or about August 14, 2023, Shafran filed the present action against NYLGICNY, and NYLGICNY has alleged in defense, *inter alia*, that Shafran failed to exhaust administrative remedies before filing suit;

**WHEREAS**, NYLGICNY has offered to accept a late appeal of its adverse determination in exchange for dismissal of the Lawsuit without prejudice, and Shafran has accepted that offer;

**WHEREAS**, no party hereto is an infant or incompetent;

**NOW, THEREFORE, IT IS HEREBY STIPULATED** between undersigned counsel for all parties in this action pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(ii) that this action, including all counterclaims, be, and the same hereby is, dismissed without prejudice and without costs or attorneys' fees to either party; and

**IT IS FURTHER STIPULATED** that Shafran shall file her appeal, if any, no later than sixty (60) days of the date of entry of this Stipulation.



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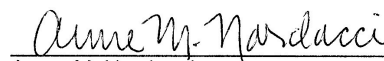
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*Attorneys for Defendant*

Dated: January 23, 2024

IT IS SO ORDERED:



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Anne M. Nardacci  
U.S. District Judge

Dated: February 20, 2024  
Albany, NY